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| 10/829,049   | 04/21/2004  | Masao Okano          | 0140-4224                   | 7429             |
| 27123  | 7590        | 10/18/2006           |                             |                  |
| MORGAN & FINNEGAN, L.L.P.<br>3 WORLD FINANCIAL CENTER<br>NEW YORK, NY 10281-2101 |             |                      | EXAMINER<br>CHIN, RANDALL E |                  |
|  |             |                      | ART UNIT                    | PAPER NUMBER     |

1744

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/829,049

Applicant(s)

OKANO ET AL.

Examiner

Randall Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 6,8-11,14,15 and 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,12,13,16,17 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07222004; 09072004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 6, 8-11, 14, 15 and 18-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 31 August 2006.
2. Applicant's election with traverse of the species of Figs. 1-8, claims 1-5, 7, 12, 13, 16, 17 and 22 in the reply filed on 31 August 2006 is acknowledged. The traversal is on the ground(s) that (1) all groups of claims and figures are properly presented in the same application; (2) undue diverse searching should not be required since all the claims and figures are in the same class; and (3) all claims and figures should be examined together. This is not found persuasive because the fact that all groups of claims and figures are properly presented in the same application is irrelevant. Further, Applicant's assertion that undue diverse searching should not be required since all the claims and figures are in the same class is unpersuasive and does not preclude an election of species requirement from being made since Applicant has not traversed on grounds that the species are not patentably distinct.

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

The specification includes numerous occurrences of the awkward phrase “of other embodiment”, for example, at p. 4, lines 23-28, p. 9, line 16, p. 10, lines 18 and 24, etc. Applicant’s cooperation is respectfully requested in reviewing the entire specification for clarity as to this matter.

Also, it is unclear whether the recitation “plates 30” on p. 6, line 14 is correct in view of what Figs. 1 and 3 show for numeral **30**. It would appear that “plates 30” should then read –plates 20-- but clarification is respectfully requested. Accordingly, reference numeral **30** in Figs. 1 and 3 would then need to be properly referenced in the specification.

Appropriate correction is required.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Hollow portion **17** as recited at p. 9, line 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 1, 12 and 16 are objected to because of the following informalities:

Claim 1, lines 4-5, the recitation "...and a subject to clean the subject with the cleaning fabric" is awkwardly written and makes the claim unclear.

Claim 12, line 4 and claim 16, line 3, "of cleaning unit" is awkwardly written and also lacks proper antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 7, 12, 13, 16, 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detmers 5,762,000 (hereinafter Detmers) in view of Egan 5,519,914 (hereinafter Egan '914).

As well as claim 1 is understood, the patent to Detmers discloses in Fig. 3 a pressure pad for a cleaning web or fabric 3, the pressure pad comprising press-on material that defines a "particular portion" 13 formed on a profile or base portion 12, the

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base portion inherently having a predetermined hardness, the particular portion also inherently having a predetermined hardness, the cleaning fabric 3 being nipped between the particular portion 13 and a subject 1 to clean the subject 1 with the cleaning fabric 3 (col. 5, lines 23-30). The patent to Detmers discloses all of the recited subject matter as set forth above with the exception of the particular portion having a predetermined hardness **lower** than the hardness of the base portion. The patent to Egan discloses a sponge S that defines a "particular portion" that has a predetermined hardness, which is **lower** than the hardness of its base portion. Note, already that Detmers teaches that particular portion 13 could optimally be selected with regard to pliancy, elasticity and pressure distribution (col. 5, lines 64-66). It would have been obvious to one of ordinary skill in the art to have modified Detmers particular portion such that it has a predetermined hardness which is **lower** than the hardness of its base portion as taught by Egan for the purpose of avoiding damage to the subject itself.

As for claim 2, it is the position of the Examiner that utilizing rubber for the particular portion as well as the base portion would be obvious in order to avoid damaging the subject itself during cleaning of the subject.

To the extent that Applicant's Figs. 1-8 shows the particular portion and base portion being "formed integrally" (hash lines), Detmers is also deemed to teach the particular portion 13 and base portion 12 being "formed integrally." Further, in a different manner, Detmers' particular portion 13 and base portion 12 are "formed integrally" in the final product. With respect to the recitation ... "by being pressed with a predetermined high pressure and under a predetermined high pressure and under a predetermined

high temperature”, methods of forming are not germane to patentability in apparatus claims.

As for claim 4, Detmers' base portion 12 has a predetermined width and includes opposite side portions to be fixed, the particular portion 13 having a predetermined width which is less than the width of the base portion to be positioned between the opposite side portions of the base portion (Fig. 3).

As for claim 5, the base portion 12 has a predetermined length and includes opposite end portions, the particular portion 13 has a predetermined length which is less than the length of the base portion, to be positioned between the opposite end portions at the base portion (Figs. 1 and 2).

As for claim 7, Detmers' base portion is deemed formed into a flat board. It should be noted that Applicant's own base portion 8 includes stepped or transitional features 16 (Fig. 8) not rendering the board entirely "flat."

As for claim 12, as already mentioned, Detmers and Egan teach a cleaning apparatus comprising the pressure pad as set forth in claim 7, and further teach the base portion 12 being deformed to be channel shaped (Fig. 3), the particular portion 13 being disposed outwardly of the base portion, and a holder or support bar 9 including opposite side surfaces and supported by "a frame of a cleaning unit" (both never positively recited), the base portion 12 including the opposite side portions fixed to the opposite side surfaces of the support bar 9 (through bolts as recited in col. 4, lines 26-47).

As for claim 13 reciting that the subject "comprises a plate cylinder in an offset printing press", such a recitation is of no patentable moment here as the "work" is not part of the device being positively claimed, namely, "[a] pressure pad for a cleaning fabric" (see preamble of claim 1).

As for claim 13, as already mentioned, Detmers and Egan teach a cleaning apparatus comprising the pressure pad as set forth in claim 4 and a support bar including opposite side surfaces and supported by a frame of a cleaning unit (both never positively recited), the base portion including the opposite side portions fixed to the opposite side surface of the support bar. Detmers further teaches an air passage in bellows 10 being formed in the support bar 9 (Fig. 3), pressurized air being directed between the pressure pad and the support bar 9 through the air passage so that the pressure pad can be deformed by the pressurized air to be convex (due to the bellows' structure) toward the subject.

As for claims 17 and 22 reciting that the cleaning fabric is "thick", such is merely deemed a relative expression as Detmers cleaning fabric 3 is also deemed "thick."

### ***Conclusion***


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Corrado is relevant to a particular portion arrangement.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Randall Chin  
Primary Examiner  
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